

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Michael Johnson,

Petitioner,

v.

Case No. 1:08cv286

Warden, Pickaway Correctional Institution,

Judge Michael R. Barrett

Respondent.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on October 16, 2008 (Doc. 13).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. The Petitioner's Motion to Withdraw (Doc. 12) his petition is **GRANTED**. Petitioner's petition for writ of habeas corpus is withdrawn and this matter is dismissed without prejudice.

**IT IS SO ORDERED.**

S/Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court